

**Memorandum on Transfers of Defense Articles or Services and Brokering Activities for Libya Relating to Disposition of Libyan-owned C-130H Aircraft**

September 28, 2005

Presidential Determination No. 2005-40

*Memorandum for the Secretary of State*

*Subject:* Transfers of Defense Articles or Services and Brokering Activities for Libya Relating to Disposition of Libyan-owned C-130H Aircraft

Pursuant to the authority vested in me by the Constitution and laws of the United States, including sections 40(g) and 40A of the Arms Export Control Act (AECA), I hereby:

- determine that the transaction, encompassing sales or licensing for export of defense articles or defense services and brokering activities necessary to assist in the disposition, including any required refurbishment, of Libyan-owned C-130H aircraft, is essential to the national security interests of the United States and important to the national interests of the United States;
- waive the prohibitions in sections 40 and 40A of the AECA related to such transaction; and
- assign to you the functions under AECA section 40(g)(2) to consult with and submit reports to the Congress for proposed specific exports or transfers, 15 days prior to permitting them to proceed, that are necessary for and within the scope of this waiver determination and the transaction referred to herein.

You are authorized and directed to report this certification to the Congress and to arrange for its publication in the *Federal Register*.

**George W. Bush**

**Message to the Senate Transmitting the Protocol Amending the France-United States Taxation Convention**

September 28, 2005

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith a Protocol Amending the Convention Between the Government of the United States of America and the Government of the French Republic for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income and Capital, signed at Paris on August 31, 1994 (the "Convention"), signed at Washington on December 8, 2004 (the "Protocol"). Also transmitted for the information of the Senate is the report of the Department of State with respect to the Protocol.

The Protocol was negotiated to address certain technical issues that have arisen since the Convention entered into force. The Protocol was concluded in recognition of the importance of U.S. economic relations with France.

The Protocol clarifies the treatment of investments made in France by U.S. investors through partnerships located in the United States, France, or third countries. It also modifies the provisions of the treaty dealing with pensions and pension contributions in order to achieve parity given the two countries' fundamentally different pension systems. The Protocol makes other changes to the Convention to reflect more closely current U.S. tax treaty policy.

I recommend that the Senate give early and favorable consideration to this Protocol and that the Senate give its advice and consent to ratification.

**George W. Bush**

The White House,  
September 28, 2005.